

REMARKS

In response to the Restriction Requirement, Applicant elects Group 1, Claims 1-40 for examination. This election is made with traverse. Applicant traverses on the ground that Groups I and IV are directed towards microparticles comprising a core, and at least one radioactive therapeutic agent attached to said core, and are classified in the same class and subclass by the Examiner for searching purposes. Accordingly, the Examiner has not demonstrated why searching both groups would be burdensome.

Applicant reserves the right to request rejoinder of process claims including all the limitations of any allowable product claim pursuant to MPEP §821.04, or those claims that otherwise incorporate all the limitations of an allowable claim. Accordingly, Applicant hereby voluntarily withdraws claims 41-86, and amends the non-elected claims to incorporate all the limitations of the elected independent claim. Accordingly, Applicant requests rejoinder of the withdrawn claims should the generic linking claim ultimately be found to be allowable.

Applicant also reserves the right to file a Divisional Application directed to the non-elected subject claims should they be found ineligible for rejoinder.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,
/Todd B. Buck/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Todd B. Buck, Ph.D.
Registration No. 48,574

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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